

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL  
INDUSTRY AVERAGE  
WHOLESALE  
PRICE LITIGATION**

)

)

)

)

)

)

)

)

)

)

)

**THIS DOCUMENT RELATES TO  
ALL ACTIONS**

**MDL NO. 1456**

**CIVIL ACTION: 01-12257-PBS**

**Judge Patti B. Saris**

**NOTICE OF MOTION AND MOTION FOR ENTRY OF STIPULATED PROTECTIVE  
ORDER GOVERNING CONFIDENTIAL HEALTH INFORMATION**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Defendants hereby move the Court for entry of the attached Stipulated Protective Order Governing Confidential Health Information.

The requested order is appropriate in this case to permit the parties and third parties to produce relevant confidential health information that is subject to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

The proposed order has been approved by the United States Department of Health and Human Services and the Centers for Medicare and Medicaid Services as complying with the HIPAA privacy regulations, including 45 C.F.R. § 164.512(e), which allows the disclosure of confidential health information when the Court has approved a qualified protective order. Counsel for Plaintiffs also have reviewed the proposed protective order and have indicated that they do not oppose entry of the order.

For the foregoing reasons, Defendants respectfully request the entry of the attached Stipulated Protective Order Governing Confidential Health Information.

Respectfully Submitted,

BY: s/Mark D. Smith  
Mark D. Smith (BBO #542676)  
Laredo & Smith LLP  
15 Broad Street, Suite 600  
Boston, MA 02109  
(617) 367-7984 (telephone)  
(617) 367-6475 (facsimile)

John C. Dodds, Esq.  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5000 (telephone)  
(215) 963-5001 (facsimile)

Scott A. Stempel, Esq.  
J. Clayton Everett, Jr., Esq.  
Gregory F. Wells, Esq.  
Morgan Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 739-3000 (telephone)  
(202) 739-3001 (facsimile)

*Attorneys for Defendant Pharmacia  
Corporation and Pfizer, Inc.*

*Dated: May 26, 2004 and on Behalf of  
All Defendants for the Purposes of This  
Motion*

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Patti B. Saris United States District Judge

**CERTIFICATE OF SERVICE**

I, Mark D. Smith, hereby certify that I caused a true and correct copy of the following documents:

NOTICE OF MOTION AND MOTION FOR ENTRY OF STIPULATED PROTECTIVE ORDER GOVERNING CONFIDENTIAL HEALTH INFORMATION  
STIPULATED PROTECTIVE ORDER GOVERNING CONFIDENTIAL HEALTH INFORMATION

to be electronically served by Verilaw Technologies, Inc., on all counsel of record in MDL 1456 pursuant to the Court's July 30, 2002 Order Regarding Electronic Service.

Dated: May 26, 2004

Respectfully Submitted,

BY: s/Mark D. Smith  
Mark D. Smith (BBO #542676)  
Laredo & Smith LLP  
15 Broad Street, Suite 600  
Boston, MA 02109  
(617) 367-7984 (telephone)  
(617) 367-6475 (facsimile)